



PATENT
0020-4699P

AF/3711
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Supp
Reply Ref
Hill
1/21

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of Before the Board of Appeals
YOSHIDA, Kazunari et al. Appeal No.: 2002-0990

Appl. No.: 09/551,871 Group: 3711
Filed: April 18, 2000 Examiner: Hunter, A.
Conf.: 2420
For: MULTI-PIECE SOLID GOLF BALL

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REPLY BRIEF TRANSMITTAL FORM

Assistant Commissioner for Patents
Washington, DC 20231

November 15, 2002

Sir:

Transmitted herewith is a Reply Brief (in triplicate) on behalf of the appellants in connection with the above-identified application.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The Examiner's Answer was mailed on March 8, 2002.

- ☐ An extension of time under 37 C.F.R. § 1.136(b) to was requested on and was approved on .
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

Appl. No. 09/551,871

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

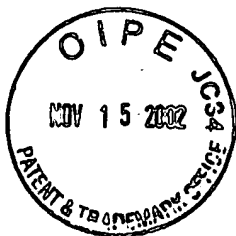
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Attachments

(Rev. 01/02/02)



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SUPPLEMENTAL REPLY BRIEF

TECHNOLOGY CENTER R3700

Assistant Commissioner for Patents
Washington, DC 20231

November 15, 2002

Sir:

This is a Supplemental Reply Brief in connection with
Appellants' Appeal No. 2002-0990, Application No. 09/551,871.

Request to Examiner to reopen prosecution.

Following receipt of the order remanding to Examiner (Paper
No. 17), mailed September 23, 2002, Appellants' Attorney
telephoned Examiner Hunter to request that the Examiner reopen
prosecution to consider the patentability of the claimed
invention in accordance with the guidelines for 35 U.S.C.
102(e)(2), published in the Official Gazette 27 February 2001.
In paragraph 5, on page 4 and page 5 of Section V Examination
Procedure under pre AIPA 102(e) and post AIPA 102(e)(2), the

guidelines state as follows: " determine whether common assignee considerations apply. If a 102(e) reference is applied, in an obviousness rejection under 35 U.S.C. 103 (including provisional rejections) in an application filed on or after November 29, 1999, the Examiner should ascertain whether there is evidence that the claimed invention and the reference were owned by the same person, or subject to an obligation of assignment to the same person, at the time the claimed invention was made. A clear statement of entitlement to the prior exclusion by applicants or a registered practitioner would be sufficient evidence to establish the prior art exclusion."

The patent application under Appeal was filed after November 29, 1999 (April 18, 2000). In the Reply to the Examiner's Answer, the common ownership of the invention in the patent to Sugimoto of April 4, 2000, (U.S. Patent 6,045,459), was confirmed: that is, that the application under appeal and the Sugimoto patent were at the time, when the invention was made, owned by and subject to an obligation of assignment to the same entity, namely Sumitomo Rubber Industries, Ltd. of Hyogo-Ken, Japan.

In view of the foregoing arguments, favorable action and withdrawal of the Sugimoto et al. reference is respectfully solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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